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To: Members of the Committee on Judiciary

From: Sandra J. Staub, ACLU-CT Legal Director

Written Testimony Supporting Raised Bill No. 1230
An Act Concerning Traffic Stop Information

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Sandra Staub and I am the Legal Director at the ACLU of Connecticut and I am here today to support Raised Bill No. 1230, An Act Concerning Traffic Stop Information.

In the next couple of months, my sixteen year old child will obtain her driver's license in Connecticut. At that time, she will receive two privileges: first, the privilege to drive; second, the privilege to drive while white. That the second privilege exists at all in Connecticut in 2011 is unacceptable. Passage of Raised Bill 1230 is an important step toward eliminating what is commonly referred to as traffic stops for "driving while brown."

In 1999, the Connecticut legislature, acting in the name of the late Senator Penn – who like too many people in this state, had reportedly been stopped in traffic on the basis on his skin color - adopted one of the country's first racial profiling prohibitions. The Penn Act mandated that: 1. the Chief State's Attorney develop a form for use by departments all over the state to uniformly report data on traffic stops; 2. each department record traffic stop data uniformly and report the data, from 1999 to 2003 to the Chief State's Attorney, and from 2003 to present to the African American Affairs Commission; and, 3. the Chief State's Attorney and subsequently the AAAC compile, analyze and report on the traffic stop data in order to get a handle on the extent of racial profiling in this state and to determine what could be done to prevent racial profiling.

The ACLU-CT receives inquiries from around the country about Connecticut's progress in the twelve years since this body passed the Penn Act. Our response to these inquiries is distressing, to say the least: The Chief State's Attorney to our knowledge never complied with the Penn Act's requirement that he develop a uniform reporting system for traffic stops; the majority of police departments across the state have failed to collect and report traffic stops as required by the Penn Act; and, neither the Chief State's Attorney nor the AAAC have compiled complete state-wide data for analysis and report. The only report done under the Penn Act, back in 2001, is suspect because it appears to have been

based on woefully incomplete data and with a method of analysis that the report itself acknowledges is not consistent with best practices.

There has been a wholesale failure to fulfill the mandate of the Penn Act in Connecticut. There is no good faith basis for anyone in this state to claim that racial profiling is not a problem in Connecticut. Whole communities in this state know, unfortunately from experience, that stops based on perception of race and ethnicity and religion are rampant. And whether it is from experienced reality or public perception, racial profiling alienates people from law enforcement and hinders community policing efforts and causes law enforcement to lose credibility and trust among people law enforcement is sworn to protect and serve.

Racial profiling presents a great danger to the fundamental principles of our Constitution and is abhorrent and cannot be tolerated. This legislature meant to do something about this serious issue in 1999 but we know now that the law needs to be improved in order to have its intended effect. This amendment provides a means to uncover the extent of the problem so that something can be done to eradicate the practice.

The people of this State greatly appreciate the hard work and dedication of law enforcement agents in protecting public safety. The good name of these agents should not be tarnished by the actions of those who commit unlawfully discriminatory practices.

Given their pending project to unify data systems for law enforcement across the state, Office of Policy and Management and the Criminal Justice Information System Governing Board are well situated and willing to take the lead on enforcing this act. Passing this bill is a much cheaper way to address this very serious problem than waiting for someone like the ACLU or the Justice Department to bring a suit to enforce compliance with the law prohibiting racial profiling. In the end, no one will benefit from allowing racial profiling to continue unmonitored and unchecked.

The ACLU-CT urges this committee to act favorably on Raised Bill 1230.